

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE: TERRORIST ATTACKS ON :
SEPTEMBER 11, 2001 : **MDL 03-1570 (GBD)**

This Document Relates To:

Havlish, et al. v. bin Laden, et al., Case No. 03-CV-09848

Federal Insurance Co., et al. v. al Qaida, et al., Case No. 03-CV-06978

Ashton et al. v. al Qaeda Islamic Army, et al., Case No. 02-CV-06977

Estate of John P. O'Neill, Sr., et al. v. Republic of Iraq, et al., Case No. 04-CV-1076

**HAVLISH PLAINTIFFS' MOTION FOR AN ORDER CREATING
A COMMON BENEFIT FUND TO COMPENSATE AND REIMBURSE
HAVLISH ATTORNEYS FOR SERVICES PERFORMED AND EXPENSES
INCURRED IN DEVELOPING AND PRESENTING EVIDENCE
ESTABLISHING LIABILITY AND DAMAGES AGAINST
DEFENDANT THE ISLAMIC REPUBLIC OF IRAN**

The *Havlish* Plaintiffs, by and through their counsel, respectfully move this Court, pursuant to its inherent equitable powers, to enter an Order:

(1) creating a common benefit fund for the purpose of compensating and reimbursing the *Havlish* attorneys for services performed and expenses incurred in developing and presenting evidence establishing liability against The Islamic Republic of Iran ("Iran") that were relied upon, and resulted in the Findings of Fact And Conclusions of Law used to produce liability and damages findings and, ultimately, judgments in *Ashton et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-CV-06977, *Estate of John P. O'Neill, Sr., et al. v. Republic of Iraq, et al.*, Case No. 04-CV-1076, and *Federal Insurance Co., et al. v. al Qaida, et al.*, Case No. 03-CV-06978;

(2) directing Plaintiffs' counsel in *Ashton et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-CV-06977, *Estate of John P. O'Neill, Sr., et al. v. Republic of Iraq, et al.*, Case No. 04-CV-1076, and *Federal Insurance Co., et al. v. al Qaida, et al.*, Case No. 03-CV-06978 (referred

to collectively as the “Assessed Plaintiffs”) to set aside eight percent (8%) of any gross recovery obtained pursuant to, and/or in full or partial satisfaction of their judgments against Iran, by way of execution, collection, settlement, or by any other means; and

(3) directing counsel for the Assessed Plaintiffs to place the amounts set aside into a “common benefit escrow account” established and maintained by lead counsel for the *Havlish* Plaintiffs.

The reasons for the instant Motion are set forth in the accompanying Memorandum of Law which is incorporated herein by reference. A proposed form of Order is attached.

Date: March 19, 2016

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